REMARKS

Reconsideration and allowance are respectfully requested.

Claims 24-26, 28, 29, 32, 33, 35-37, 39, 40, 43, 44, and 46 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable based on D'Argence in view of newly-applied Wu and AAPA. This rejection is respectfully traversed.

Regarding the alleged AAPA, Applicants are not certain precisely what text in paragraph [0060] of the published application describes access relevant information expressed in comparable quantities. Nor is it understood how paragraph [0060] of the published application is admitted prior art. In [0006], the Examiner is presumably referring to the 3GPP standardization document 3GPP TS 25.413 v5.6.0. Applicants agree that this 3GPP TS 25.413 v5.6.0 document is prior art. Other than that, Applicants do not agree that paragraph [0060] or the last sentences of [0006] ("This prior art document does not describe any coordinated radio resource management for the two networks more than coordination between cells involved in a handover. I.e. there is no common radio resource management function for the two networks.") is prior art. So for the purpose of Applicants' response, AAPA refers only to the description of the 3GPP TS 25.413 v5.6.0 document in [0006] except for the last two sentences of [0006].

This rejection is moot in view of the incorporation of the claims 47-49 into their respective independent claims 24, 35, and 46.

Claims 47-49 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable based on D'Argence in view of newly-applied Wu, newly-applied AAPA, and newly-applied Merriam. This rejection is respectfully traversed.

In the claimed technology, access relevant information upon which resource management decisions are based is extracted by sniffing messages sent within an access network. As a result,

existing internal interfaces are used to obtain the access relevant information making it is easier to expand a communications system with a new access network using a new access technology. In other words, it is not necessary to standardize new specific interfaces between the new access network units and a common radio resource manager for reporting access relevant information to the common radio resource manager. Instead, the common radio resource manager obtains the access relevant information from sniffing on the internal interfaces within the new access network as explained in the application.

D'Argence discloses a communication system comprising a common radio resource manager (CRRM) that coordinates the use of the radio resources from different radio access systems. The CRRM receives information required for the CRRM to perform the resource management algorithms from network elements. In contrast to the claims, D'Argence defines specific interfaces and dedicated signaling between network entities and the CRRM in order to provide the CRRM with the information it requires (see D'Argence, page 8, line 9-24). Moreover, the CRRM function makes specific requests to relevant network entities for the information it requires (see page 16, line 8-18). As a result, there is no need in D'Argence to sniff messages sent within an access network to obtain the required information.

The Examiner therefore correctly admits that D'Argence does not disclose that any information that is used to manage access resources is obtained by sniffing messages sent within an access network, as recited in all of the independent claims, or a listening agent, as recited in claims 35 and 46.

For these missing features, the Examiner relies on Wu. Wu describes a roaming algorithm for associating a mobile station with an access point (AP) in a wireless LAN system used in an automatic guidance vehicle application. Fast roaming is achieved by eliminating a

mobile's scanning time during the search of the next AP to associate with. To eliminate the scanning time, each AP is pre-configured with its adjacent APs in advance. Whenever an AP is associated with a mobile, it sends the mobile neighboring AP information. The mobile continuously monitors the signal strength of APs in its neighborhood. During roaming, the mobile chooses the best AP to associate with apparently without having to scan all the APs.

Wu describes something called sniffing, but which differs from what is meant by sniffing as defined in the amended independent claims and in the application. The sniffing in Wu relates to a broadcast timer value and hopping sequence (beacon) for different APs that a mobile monitors to see if a handover is to be performed. Furthermore, Wu only concerns a single access network using a single access technology, and the "sniffing" is not performed by a listening agent as claimed.

Pre-configuring each AP to know its adjacent APs in advance, (see, e.g., col. 3, lines23-37, and col. 4, lines 23-24) is quite different from what the inventors in this case wanted to achieve: make it easier to expand a communication system with new access networks using new access technology by not requiring standardization of interfaces between new access network units. Both Wu and D'Argence describe information reporting that uses dedicated interfaces which the claimed technology avoids. See the problems discussed on page 1-2 in the application, particularly page 2, the 2nd and 3rd paragraphs.

Regarding claims 47-49, the Examiner requires a fourth reference to Meriam. But before addressing Merriam, page 8 of the final office action suggests that Wu teaches sniffing a message which includes reading a data payload mapped to reading the beacon message length field. Merriam concerns configuration and management of a computer network. A dynamic network manager 101 can detect the presence of a new device and find out device information by

"sniffing" the network 112 using a sniffer 302 in the network manager. But there is no teaching in Merriam of managing of radio resources, different radio access networks or choosing between different radio access networks that use different radio access technologies.

The Examiner is not considering each independent claim as a whole or each prior art reference as a whole. See, e.g., *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). The Examiner extracts an individual feature from the claim and tries to equate that one claim feature with an isolated feature from a prior art reference. But the different features of the independent claims are linked to each other and cooperate.

There would be no reason for the skilled person to combine Merriam with D'Argence, Wu, and the AAPA (i.e., AAPA as defined above). Nothing productive would be achieved by incorporating Merriam's sniffing with the already unwieldy combination of D'Argence, Wu, and the AAPA when both D'Argence and Wu have dedicated interfaces for data collection.

The Examiner states that this combination of four references would be made to achieve an accurate and reliable data collection system. Applicants do not understand how this would be achieved by the combination. Given the dedicated interfaces as described and configured in D'Argence and Wu, the data collection would not be more accurate or efficient by sniffing messages. Rather, the sniffing would actually slow the D'Argence and Wu systems down and introduce duplication of data collection by sniffing and by dedicated messages.

Accordingly, the application is in condition for allowance. An early notice to that effect is requested.

Respectfully submitted,

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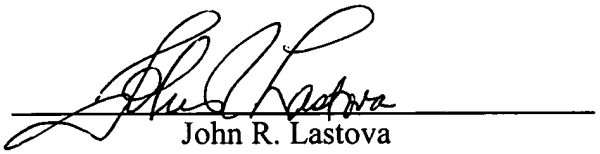
By: 
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